

**UNITED STATES DISTRICT COURT**  
for  
**EASTERN DISTRICT OF NORTH CAROLINA**  
**WESTERN DIVISION**

**U.S.A. vs. Ernesto Herrera**

**Docket No. 5:10-CR-207-2BO**

**Petition for Action on Supervised Release**

COMES NOW Keith W. Lawrence, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Ernesto Herrera, who, upon an earlier plea of guilty to Count 1- Conspiracy to Commit Bank and Wire Fraud, in violation of 18 U.S.C. § 1349 and Count 6- Aggravated Identity Theft and Aiding and Abetting, in violation of 18 U.S.C. §§ 1028A and 2, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on January 19, 2012, to the custody of the Bureau of Prisons for a term of 39 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for three years on Count 1 and one year on Count 6 to run concurrently to Count 1 under the standard conditions adopted by the court and the following additional conditions:

1. Upon completion of the term of imprisonment, the defendant is to be surrendered to a duly-authorized immigration official for deportation in accordance with established procedures provided by the Immigration and Naturalization Act, 8 U.S.C. § 1101. As a further condition of supervised release, if ordered deported, the defendant shall remain outside the United States.

Ernesto Herrera was released from custody on February 27, 2014, at which time the term of supervised release commenced in the Southern District of Florida.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:** On April 28, 2014, we received a request from the Southern District of Florida advising that they had completed a financial investigation to determine the amount of restitution the defendant could pay monthly. Based on that investigation, it was determined that Herrera could pay \$25 per month. Based on this information, we would recommend that his monthly restitution payment be reduced to \$25 per month. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. The defendant shall pay restitution at the rate of \$25 per month, until such time as the Court may alter that payment schedule in the interest of justice. The United States Probation Office and United States Attorney's Office shall monitor the payment of restitution and report to the court any material change in the defendant's ability to pay.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

/s/ Robert K. Britt  
Robert K. Britt  
Senior U.S. Probation Officer

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Keith W. Lawrence  
Keith W. Lawrence  
U.S. Probation Officer  
310 Dick Street  
Fayetteville, NC 28301-5730  
Phone: (910) 483-8613  
Executed On: April 30, 2014

**ORDER OF COURT**

Considered and ordered this 30 day of April, 2014, and ordered filed and made a part of the records in the above case.

Terrence W. Boyle  
Terrence W. Boyle  
U.S. District Judge